

REMARKS / ARGUMENTS

This Preliminary Amendment is being filed to place this application in condition for allowance.

The rejection of Claims 1 through 48 in the parent application as being obvious and unpatentable based upon the **ALEXANDER '708** patent or the **ORNSTEEN '335** patent under 35 U.S.C. §103(a) is respectfully traversed.

The **ALEXANDER '708** patent discloses a sandal having a plurality of eyelet members, pivotally secured in a pendant position along the side edges of the soles, and whereby a lacing can be passed through selected ones of the eyelets and around the foot of the wearer to hold the sandal onto the foot, leaving the remaining eyelets in a pendant position to serve the double purpose of enabling the wearer to arrange the laces in any desired position which is most comfortable or most attractive to the wearer, and allowing the other pendant eyelet members to remain in a downwardly pending position to serve an ornamental purpose when not in use. This prior art patent does not teach or disclose protruding hang tabs integrally formed as part of the sole being a **continuous one-piece element for connecting a pair of soles of shoes together** using fastening means, as claimed by Applicant in Independent Claims 1, 7, 12, 17, 22, 27, 32, 37 and 42.

Further, **ALEXANDER '708** uses a plurality of flat or rigid members 18 being disposed between the top and bottom soles 10 and 11 of the sandal and a plurality of eyelet ring members 16. However, the eyelet ring members 16 and rigid members 18 are not used

as tie and tag fasteners, as claimed in Claims 6, 11, 16, 21, 26, 31, 36, 41 and 46. The **ALEXANDER '708** patent does not use the eyelet ring members 16 for connecting a pair of sandals together. The majority of the eyelet ring members 16 are for ornamental purposes only, as shown in the **ALEXANDER '708** patent in Figures 1, 2 and 7 of the drawings. Further, **ALEXANDER'S** ring members 16 cannot be interlocked or connected together between two adjacent soles.

The **ORNSTEEN '335** patent discloses an elongated tab affixed to a shoe and adapted to be connected to a like tab on another shoe of a pair to securely fasten the shoes together. The tabs may be interconnected by staples, snap fasteners or other suitable means. This prior art patent **does not teach or disclose** a plurality of hang tabs protruding from different sections of the sole and integrally formed as part of each sole in a **continuous one-piece element** of the shoe for use in connecting a pair of soles together, thus providing the user with a choice of which hang tabs to use in connecting the shoes together. This is important so that the claimed arrangement may be used in different types of displays in many different stores, and also allowing the footwear to be displayed in different orientations.

ORNSTEEN'S elongated tab 12 on shoe 11 "is attached to the bottom of the shoe upper" (see Figure 2) by means of a suitable adhesive during the shoe's construction prior to attaching of an outer sole 13 (see Figure 1). Thus, **ORNSTEEN'S** elongated tab 12 is not attached to the sole 13 and is not integrally formed as a continuous one-piece element, where the respective samples of the sole and hang tabs are not in the same plane as on the outer sole 13, as depicted in Figures 1 and 2 of **ORNSTEEN'S** drawings. Instead, it is attached to the

upper part of the shoe. Further, ORNSTEEN'S patent does not teach or disclose the use of multiple tabs 12 for connecting shoes 11 together.

The ALEXANDER '708 patent and the ORNSTEEN '335 patent, even when combined, do not teach or disclose the following elements of Amended Independent Claim 1 for protruding hang tabs integrally formed as part of the sole for use in connecting a pair of shoes together:

a) each sole has a **plurality** of protruding hang tabs integrally formed as part of the sole at spaced-apart positions along a perimeter edging of the sole;

b) **each of the soles and the hang tabs being a continuous one-piece element, wherein the respective surfaces of the sole and the hang tab being in the same plane;**

c) the **plurality of hang tabs** includes a first hang tab positioned on the toe end of the sole, a second hang tab positioned on the heel end of the sole, a third hang tab positioned on the inside section of the sole, and a fourth hang tab positioned on the outside section of the sole; and

d) the hang tabs on each of the soles have fastening means attached thereto for connecting to the hang tabs on adjacent soles for connecting a pair of the soles together.

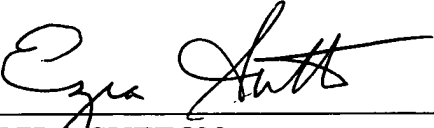
Therefore, Independent Claim 1, as amended, is patentable and should also be allowed.

With regard to Amended Independent Claims 7, 12, 17, 22, 27, 32, 37 and 42, the exact same arguments apply to these Claims as stated above for Amended Independent Claim 1. Therefore, Independent Claims 7, 12, 17, 22, 27, 32, 37 and 42, as amended, are patentable and should also be allowed.

CONCLUSION

Therefore, the prior art patents to **ALEXANDER '708** and **ORNSTEEN '335**, even when combined, **do not teach or disclose** the claimed features of Amended Independent Claims 1, 7, 12, 17, 22, 27, 32, 37 and 42, and the Claims which depend therefrom. For these reasons, it is respectfully submitted that Applicant's Amended Claims 1 to 27, 29 to 32, and 34 to 48 should be allowed.

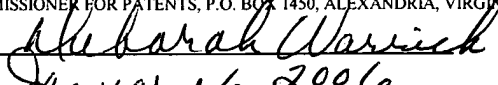
Respectfully submitted,
EZRA SUTTON, P.A.



EZRA SUTTON
Reg. No. 25,770

Plaza 9 Building, 900 Route 9
Woodbridge, New Jersey 07095
Ph: (732) 634-3520
Fx: (732) 634-3511
ES:daw

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE
UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO:
COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450 ON

By 

Date January 6, 2006